

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Docket No. 08 MJ 0181

Plaintiff,

v.

Simon SANTOS-Licea,

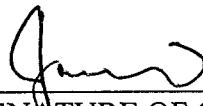
Defendant

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
COMPLAINT FOR VIOLATION OF:  
BY *RM* DEPUTY  
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

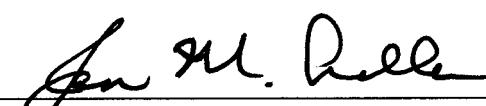
The undersigned complainant, being duly sworn, states:

On or about **January 18, 2008** within the Southern District of California, defendant, **Simon SANTOS-Licea**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF JANUARY  
2008.

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

Simon SANTOS-Licea

## PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

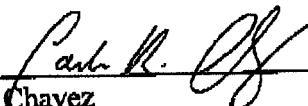
On January 18, 2008, at approximately 1:38 P.M., Border Patrol Agent R. Gonzalez Jr., was performing line watch duties in the Imperial Beach Border Patrol Station area of operations. Agent Gonzalez responded to sensor activation in the area known as "Shelton's". "Shelton's" is located approximately 3 miles west of the San Ysidro, California Port of Entry and is adjacent to the United States/Mexico International Boundary Fence. "Shelton's" is commonly used by illegal aliens to further their illegal entrance into the United States due to its close proximity to the border.

While laying in for a group, Agent Gonzalez witnessed two individuals calmly walking towards him. One of these individuals was later identified as the defendant Simon SANTOS-Licea. Agent Gonzalez immediately identified himself as a United States Border Patrol Agent and proceeded to conduct an immigration inspection on each individual. Each individual, including the defendant admitted to being citizens and nationals of Mexico, illegally present in the United States and not in possession of immigration documents that would allow them to enter or remain in the United States legally. At approximately 1:38 P.M., the defendant and the other individual were placed under arrest and transported to the Imperial Beach Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on October 25, 2007, through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.

Executed on January 19, 2008 at 10:00 a.m.

  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 18, 2008, in violation of Title 8, United States Code, Section 1326.

  
Jan M. Adler  
United States Magistrate Judge

  
Date/Time